

**Appl. No.** : **10/720,842**  
**Filed** : **November 24, 2003**

### **REMARKS**

The April 10, 2006 Final Office Action was based on pending Claims 1–11. By this Response, Applicant is amending Claims 1, 5, 6 and 9–11 and is cancelling Claims 2, 7, 8 and 10 without prejudice or disclaimer. Claims 3 and 4 remain as previously presented, and new Claims 12–22 have been added.

Thus, after entry of the foregoing amendments, Claims 1, 3–6, 9, and 11–22 are pending and presented for further consideration. In view of the foregoing amendments and the remarks set forth below, Applicant submits that Claims 1, 3–6, 9, and 11–22 are in condition for allowance.

### **SUMMARY OF OBJECTIONS AND REJECTIONS**

The Final Office Action rejected Claim 1 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1 was also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Final Office Action rejected Claims 1–11 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,161,111 to Mutalik (“Mutalik”).

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claim 1 was rejected under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the written description requirement and as being indefinite. In particular, the rejections were based on the claim limitation “a browsing application program.”

Applicant respectfully disagrees with the rejections and submits that “a browsing application program” is clearly defined in Applicant's specification (see, e.g., description of file browser 300). However, in order to expedite prosecution of the present application, Applicant has deleted the limitation “a browsing application program” from Claim 1. Applicant has also amended several of the dependent claims to read “file browser” in place of “browsing application program.”

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)**

The Office Action rejected Claims 1, 3–6, 9 and 11 as being unpatentable over Mutalik. In view of the foregoing amendments and for at least the reasons set forth

below, Applicant respectfully disagrees and requests reconsideration of Claims 1, 3–6, 9 and 11.

**Independent Claim 1**

Focusing on independent Claim 1, in one embodiment of Applicant's invention a data retrieval system is disclosed comprising at least three computing devices. A first computing device comprises a processor that supports operation of a software application and an interface module for retrieving data for the software application.

A second computing device is coupled to the first computing device and to storage media for storing the data. The second computing device also stores a data index that indicates a particular location of the data on the storage media.

A third computing device is coupled to both the first and second computing devices and stores a storage and backup map that maps the data to the second computing device.

Thus, the data retrieval system of Claim 1 has a two-tiered approach for locating stored data. The storage and backup map on the third computing device provides an indication of which computing device is coupled to the storage media storing the data (i.e., the second computing device). The data index on the second computing device provides the particular storage media location of the data to be retrieved by the interface module. As further recited in new dependent Claim 12, certain embodiments of the claimed retrieval system advantageously allow the first computing device to retrieve the data without knowing the location of the data when requested by the software application.

Mutalik does not disclose the data retrieval system of amended Claim 1. Rather, Mutalik discloses a data processing system having a host (11) and a backup server (13) that access a mass storage subsystem (12). The backup server (13) generates a file map (40) having file map entries of files to be backed up or restored (see, e.g., col. 8, lines 35–40). In order to generate the file map (40), the backup server (13) communicates with the host (11) to determine the location of the stored files (see, e.g., col. 8, line 50 through col. 9, line 10).

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The Mutalik system does disclose each element recited in amended Claim 1. For example, Mutalik does not disclose: (1) a first computing device having an interface module for retrieving data; (2) a second computing device attached to storage media and having a data index indicating the location of the data on the storage media; and (3) a third computing device storing a storage and backup map that maps the data to the second computing device. Rather, Mutalik appears to have two devices (host (11) and backup server (13)) having a single file map (40) that indicates the location of data in the mass storage subsystem (12).

Because Mutalik does not disclose each element of the claimed retrieval system, Applicant asserts that amended Claim 1 is not anticipated by Mutalik, and Applicant respectfully requests allowance of Claim 1.

#### **Dependent Claims 3-6, 9 and 11**

Claims 3-6, 9 and 11 depend from amended independent Claim 1 and are believed to be patentably distinguished over Mutalik for the reasons set forth above with respect to Claim 1 and for the additional features recited therein.

#### **NEW CLAIMS 12-22**

New Claims 12-22 have been added to more fully define Applicant's invention and are believed to be fully distinguished over the prior art of record.

#### **REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

#### **CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that the issues may be promptly resolved.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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